

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.40874

David Norman North

454 Oella Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 9, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1), 35-5-302 (b)(1)(2); International Building Code (IRC) 2006 section 109: (1) Building Permit #B688522 has expired March 3, 2009 no frame inspection performed on permit, must repair/complete all exterior finishes on residential property known as 454 Oella Avenue, 21043.

On April 29, 2009, pursuant to Baltimore County Code § 3-6-205, Baltimore County Building Inspections Inspector, Grant Kidd issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 20, 2008 for failure to obtain a building permit for construction of a second story balcony/deck with dormer on existing dwelling. A Building Permit was obtained on March 3, 2008.

B. After a complaint was received about the failure to complete the construction, the case was reopened. On December 17, 2008, a Correction Notice was issued requesting that the work be completed under the building permit and all regulations complied with. On January 21, 2009 Inspector Kidd re-inspected and found some work had been done. He spoke with Respondent by telephone and advised Respondent that a frame inspection is required, and gave Respondent one month to call for the frame inspection. On March 4, 2009, Inspector Kidd again visited the site and left a sticker notifying Respondent to call for a frame inspection. This Citation was issued on April 29, 2009.

C. Notes in the file indicate that Respondent called for a frame inspection and Inspector Kidd visited the site on June 8, 2009 but found no one at home and was not able to access the property to inspect. Inspector Kidd spoke to Respondent on the telephone and advised him of the scheduled Hearing. Respondent said he could not attend but did not request a different hearing date.

D. This project has been underway and unfinished since 2007, and was started without any building permit. The Building Permit issued on March 3, 2008 has expired, and Respondent has not had the required frame inspection performed. This third-story structure extends from the main house high above the ground and is potentially hazardous. Despite multiple time extensions, Respondent has failed to cooperate with Baltimore County inspectors and has failed to complete the construction project. Respondent must obtain a new Building Permit, obtain required inspections, and complete the work, or remove the partially constructed structure.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$2,000.00 (two thousand dollars) if Respondent obtains a building permit and obtains the required frame inspection by July 10, 2009.

IT IS FURTHER ORDERED that the civil penalty will be FURTHER REDUCED to \$500.00 (five hundred dollars) if Respondent completes the construction project, including passing all required inspections, by August 10, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected. Failure to complete the project by August 10, 2009 may result in additional Citation and enforcement action.

ORDERED this 18TH day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer